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The Courts of the Judicial Branch

By Phyllis Naegeli

Article III of the United States Constitution established the Supreme Court as the highest court in our land. The power granted to the court to decide cases involving federal or constitutional law was set up to check the balance of power within the government. This Article also granted Congress the authority to create lower courts as needed. Congress exercised this power in 1789 when they passed the Judiciary Act establishing the lower district courts.



U.S. District Courts have original jurisdiction to hear cases for the first time when they involve constitutional law, treaty violations, crimes committed on federal property, the breaking of a federal law, citizens of different states, crimes committed by U.S. officials against other countries, and crimes committed on a U.S. ship at sea. Presently, there are ninety-four U.S. District Courts. There is at least one in each state, one in Washington, D.C., and one in each territory - Puerto Rico, Guam, U.S. Virgin Islands, and Northern Mariana Islands.

There are two sides to every dispute brought before the district courts. The petitioner is the person or group who begins the case by making an accusation or suing. The respondent is the person or group accused or sued. Each court has a judge and a jury to decide the outcome. (However, the respondent can choose to waive the right to a jury.)

Each side hires an attorney to represent it before the court. During a trial, each attorney has the opportunity to present the facts and laws that support his or her client's argument. After the information is presented, a verdict is reached. Although most cases end at this court level, the U.S. Court of Appeals can review an unfavorable verdict.

In 1891, Congress created the U.S. Courts of Appeals (called the higher courts) to handle the growing number of appeals. The United States is divided into eleven circuits. Each one has a federal appeals

court. There are two additional circuits. One is for the District of Columbia, and one is for hearing cases involving government agencies - called the Federal Circuit. Each circuit has six to twenty-eight judges to review decisions made in the district courts. The appeals courts are given only appellate jurisdiction. When a case comes to these courts, no new evidence is presented. The judges review the written materials from the case. Then they decide if the law was applied correctly and if procedures were followed properly. Depending on the importance of the case, one or more judges in the circuit may be involved in the review. If the case is very important, all twenty-eight of the judges within the circuit may review the case.

When there is an unfavorable verdict at the appeals level, the losing party may appeal to the Supreme Court. The Supreme Court is the highest court in our nation. Nine judges - called justices - serve on the Supreme Court. Cases brought before this court for review usually come from the lower federal courts. On occasion, the highest state courts may ask for review of a case if a constitutional question is involved.

The Supreme Court does not give a decision on every case it is asked to review. The Court may refuse to review a case without explanation. When this happens, the decision made by the lower court is final.

When a court decision is final, it sets precedent. Precedent serves as an example or rule to follow for a future case of the same kind. Decisions reached by the judicial branch can have a significant effect on the citizens of our country. Therefore, all decisions reached by the courts must have the legal basis for the decision given in writing. This allows other courts to have a record of the law used to justify a decision.

The president appoints justices and judges who serve at the federal level. The Senate must approve these appointments. Once approved, these men and women may keep their position for life. This procedure helps to keep them free from political pressure.

The presidential authority to choose people for these positions has become one of the greatest powers given to the leader of our country. A president usually chooses people who have similar beliefs about the government. This influences decisions made in our country for many years to come. A president must be careful to choose wisely, as highly controversial appointees are unlikely to be approved by the Senate.

No matter what their beliefs, judges are required to make decisions that are fair and equitable and based on law. This provides protection

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from unfair laws and ensures that the Constitution remains the guiding force in our country.

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Questions

- _____ 1. Which article of the Constitution created the judicial branch?
- A. Article VI
 - B. Article II
 - C. Article IV
 - D. Article III
- _____ 2. Which act, passed by Congress in 1789, created the U.S. District Courts?
- A. Judiciary Act
 - B. Supreme Act
 - C. District Court Act
 - D. Judgment Act
- _____ 3. The U.S. Appeals Courts are given original jurisdiction to hear cases involving federal or constitutional law.
- A. true
 - B. false
- _____ 4. Which of the following cases would be heard in U.S. District Courts?
- A. cases involving citizens of the same state
 - B. cases involving citizens of different states
 - C. traffic violations
 - D. none of the above
- _____ 5. When a very important case has been appealed to a U.S. Appeals Court, only one judge usually reviews the case.
- A. false
 - B. true
- _____ 6. When a court decision is final, it gives an example to follow for future cases that are similar in nature. What is this called?
- A. setting politics
 - B. setting precedent
 - C. setting opinion
 - D. setting procedure
- _____ 7. Which house of Congress approves presidential judicial appointments?
- A. both
 - B. the Senate
 - C. neither
 - D. the House of Representatives
- _____ 8. Judges are required to make fair and equitable decisions based on _____.
- A. political party membership
 - B. choice
 - C. law
 - D. other people's opinions